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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In re Applications of)	GC Docket No. 95-172
)	
RAINBOW BROADCASTING COMPANY)	File Nos. BMPCT-910625KP
)	BMPCT-910125KE
For Extension of Time)	BTCCT-911129KT
to Construct)	
)	
and)	
)	
For Assignment of)	
Construction Permit for)	
Station WRBW(TV))	
Orlando, Florida)	

To: The Honorable Joseph Chachkin
Administrative Law Judge

RAINBOW BROADCASTING, LIMITED OPPOSITION TO
PRESS PETITION FOR UNWINDING OF WRBW(TV) ASSIGNMENT

Rainbow Broadcasting, Limited (RBL) hereby opposes the "Petition for Order Requiring the Unwinding of the Assignment of Station WRBW(TV)," filed by Press Broadcasting Company (Press) on February 12, 1996.

Press' petition should be dismissed because it seeks to have the A.L.J. overrule a determination already made by the Commission. In its **Designation Order** in this proceeding the Commission addressed its previous **Order**, 9 F.C.C. Rcd. 2839 (1994), granting the assignment of the Channel 65 permit from Rainbow Broadcasting Company to Rainbow Broadcasting, Limited, and said the 1994 **Order**

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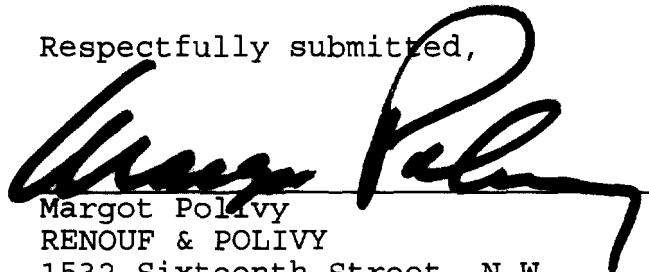
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"SHALL REMAIN IN EFFECT . . . until the hearing is concluded and all issues finally resolved." Contrary to Press' assumption (Petition, page 2), the Commission did not order the return to "the status quo ante". RBL has operated and does operate Channel 65. If RBC's qualifications are affirmed, RBL will continue to operate Channel 65; if RBC is ultimately held disqualified and it is ordered to turn in its permit, RBL will return the Channel 65 permit to the Commission. There is neither irregularity nor impropriety in the present circumstance; RBC and RBL have done precisely what the Commission authorized and Press' effort to have the A.L.J. revisit the Commission's determination is improper. The A.L.J.'s lack of jurisdiction to modify the Commission's **Order** dictates dismissal of Press' Petition.

Press is apparently seeking action by the A.L.J. because Rule 1.106(a) precludes a petition for reconsideration of a designation order unless it "relates to an adverse ruling with respect to petitioner's participation in the proceeding." Moreover, even when reconsideration is available under 1.106(a), it must be filed within 30 days of release of the designation order (which here was issued on November 22, 1995); even the Commission itself has only 30 days in which to reconsider such an action.

Finally, the cases cited by Press add nothing to its request. They stand for the undisputed proposition that in appropriate instances the Commission may order the unwinding of certain transactions. That this case does not present an appropriate circumstance has already been determined by the Commission itself, which formally determined against such action pending the outcome of this proceeding. Thus Press' Petition is in all respects lacking in merit and should be dismissed or denied.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Margot Polivy', is written over the typed name and address.

Margot Polivy
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22 February 1996

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Rainbow Broadcasting, Limited Opposition to Press Petition for Unwinding of WRBW(TV) Assignment were sent first class mail, postage prepaid, this twenty second day of February 1996, to the following:

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